

REMARKS

The Office Action contained one rejection of the claims under 35 USC §102 and one rejection of the claims under 35 USC §103. Each of the rejections will be responded to below.

a. Response to §102 Rejection

Claims 1-12, 14-27 and 29-33 were rejected under 35 USC §102(b) as being anticipated by Peterson '714 (U.S. 5,568,714). For the reasons explained below, Applicant respectfully traverses the rejection and requests that it be reconsidered and withdrawn.

In making the rejection, the Examiner asserted that Peterson '714 discloses a "transverse wall portion 32 being configured to permit sidewall portions to move alternately towards and away from one another" and a "plurality of tab portions 46 formed on edges of first, second rib portions 24, 25 forming an overlap, underlap sliding interfit".

Applicant respectfully disagrees. Nowhere does Peterson '714 teach or suggest that the tabs 46 form a sliding interfit or that the transverse wall is configured to permit the sidewalls to move alternately towards and away from one another. Instead, the tab portions in Peterson '714 are joined together by a strip of insulating material that is clamped or crimped between them in a manner that would prevent the tabs from sliding relative to one another. In point of fact, if the tabs 46 of Peterson '714 were free to slide in and out relative to one another the two halves of the tubing would simply fall apart because the tabs form both the upper and lower seams 26 (e.g., see FIG. 3), which would render the tubing inoperable and unsatisfactory for its intended purpose.

Since Peterson '714 therefore does not teach or suggest that the tab portions 46 are free to slide relative to one another, it does not show a transverse wall portion that is configured to permit the sidewall portions to move alternately towards and away from one another as is required by Applicant's claims 1 and 18 and their dependents. Applicant therefore respectfully submits that Peterson '714 fails to anticipate the claims under 35 USC §102(b) and requests that the rejection be reconsidered and withdrawn.

b. Response to §103 Rejection

Claims 13 and 28 were rejected under 35 USC §103(a) as being unpatentable over Peterson '714 in view of Peterson '971 (U.S. 5,581,971).

Peterson '971 was cited only as showing tubing having a generally rectangular cross section. The rectangular tubing disclosed by Peterson '971 in fact has solid walls with no seams, so that the transverse wall portions are clearly incapable of permitting the sidewall portions to move towards and away from one another as is required by Applicant's claims. Peterson '971 thus adds nothing that would teach or suggest the element of Applicant's claims that has been discussed above.

Since the combination of Peterson '714 and Peterson '971 therefore fails to teach or suggest the limitations of independent claims 1 and 18 and their dependents, including claims 13 and 28, Applicant respectfully requests that the rejection of the claims under 35 USC 103(a) be reconsidered and withdrawn.

c. New Claims

New claims 34-35 have been added to secure the Applicant the full measure of protection to which he is entitled.

New claim 34 depends from claims 1-4, and new claim 35 depends from claims 18-21. Each new claim recites that the overlapping tab portions are spaced apart so as to form an open gap that permits the tab portions to slide laterally relative to one another. This feature is neither taught nor suggested by the cited references. For example, as discussed above, the tab portions in Peterson '714 are joined by the layer of insulating material that is crimped between them.

Accordingly, Applicant respectfully submits that the new claims are patentably distinct over the cited references.

d. Conclusion

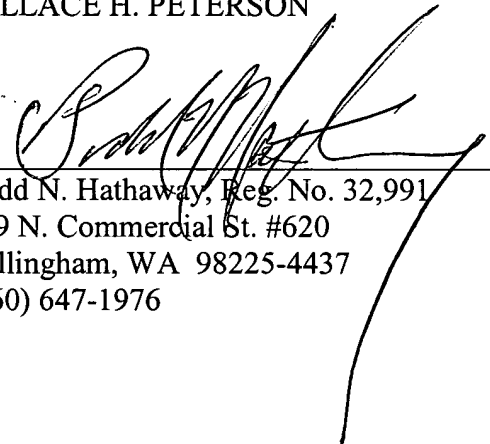
Applicant respectfully requests reconsideration of the present application in view of the remarks set forth herein. It is believed that the claims are now in condition for allowance. If there is any matter that can be expedited by consultation with Applicant's attorney, such would be welcome. Applicant's attorney can normally be reached at the telephone number given below.

Signed at Bellingham, County of Whatcom, State of Washington this 9th day of May 2003.

Respectfully submitted,

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